

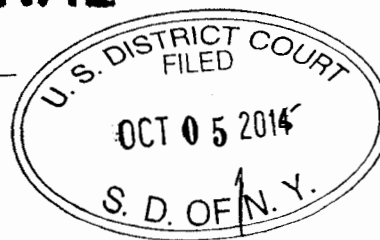
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Approved: _____

J. A. R. l
 JASON A. RICHMAN
 Assistant United States Attorney



Before: THE HONORABLE HENRY PITMAN
 United States Magistrate Judge
 Southern District of New York

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 UNITED STATES OF AMERICA

SEALED
COMPLAINT

- v. -

JOSE ACEVEDO,

Violations of 18 U.S.C.
 §§ 1951, 924(c), and 2

Defendant.

COUNTY OF OFFENSE:
 BRONX

----- X
 SOUTHERN DISTRICT OF NEW YORK, ss.:

ANGELO TESSITORE, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Hobbs Act Robbery Conspiracy)

1. In or about August 2015, in the Southern District of New York and elsewhere, JOSE ACEVEDO, the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ACEVEDO and others known and unknown agreed to commit armed robberies of pharmacies that obtain merchandise that is manufactured outside of New York State.

(Title 18, United States Code, Section 1951.)

COUNT TWO

(Firearm Possession)

2. In or about August 2015, in the Southern District of New York and elsewhere, JOSE ACEVEDO, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery conspiracy charged in Count One of this Complaint, knowingly did use and carry a firearm, and in furtherance of such offense, knowingly did possess such a firearm, and did aid and abet the use, carrying and possession of a firearm, which was brandished during the robbery conspiracy.

(Title 18, United States Code, Section 924(c)(1)(A)(ii) and 2.)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

3. I am a Detective with the NYPD. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my conversations with other law enforcement officials, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE AUGUST 15, 2015 ROBBERY

4. On or about August 15, 2015, at approximately 4:40 p.m., a gunpoint robbery ("Robbery-1") occurred at a pharmacy ("Pharmacy-1") located in the vicinity of Franklin Avenue and East 169th Street in the Bronx, New York.

5. I have interviewed two employees of Pharmacy-1 ("Witness-1" and "Witness-2," and together, the "Witnesses") and learned, in substance and in part, the following:

a. On or about August 15, 2015, at approximately 4:40 p.m., Witness-1 was standing outside of Pharmacy-1 when Witness-1 saw a white GMC Jimmy (the "SUV") arrive at Pharmacy-1. Witness-1 saw two individuals ("CC-1" and "CC-2") exit the SUV and saw the driver of the SUV, later identified by law

enforcement as JOSE ACEVEDO, the defendant, remain inside of the SUV.

b. Witness-1 noticed that CC-1 and CC-2 were acting nervously while standing on the curb outside of the SUV. Witness-1 then saw CC-1 and CC-2 each reach into their pockets and heard ACEVEDO state, in sum and substance, "not on the street, not on the sidewalk." Witness-1 then saw CC-1 and CC-2 enter Pharmacy-1.

c. While CC-1 and CC-2 were inside of Pharmacy-1, Witness-1 saw ACEVEDO, who remained inside of the SUV, using a white cellular telephone ("Cellphone-1").

d. Witness-2 was inside of Pharmacy-1 when CC-1 and CC-2 entered Pharmacy-1. After they entered, CC-1 and CC-2 ordered everyone inside of Pharmacy-1 to get down on the ground. CC-1 then attempted to open the cash register, was unable to do so, and then ordered Witness-2 at gun point to open the cash register. CC-1 and CC-2 then stole approximately \$100 from the cash register.

e. The Witnesses then saw CC-1 and CC-2 get back into the SUV, and saw ACEVEDO drive the SUV away from Pharmacy-1. As the SUV was driving away, Witness-1 was able to see the SUV's license plate, which Witness-1 remembered as a New York license plate bearing number GAR8503.

THE AUGUST 17, 2015 ROBBERY

6. On or about August 17, 2015, at approximately 10:30 a.m., a gunpoint robbery ("Robbery-2") occurred at a pharmacy ("Pharmacy-2") located in the vicinity of Park Avenue and West 131st Street in New York, New York.

7. I have interviewed an employee of Pharmacy-2 ("Witness-3") and learned, in substance and in part, the following:

a. Witness-3 was inside of Pharmacy-2 when an individual ("CC-3")¹ who was wearing a mask and holding a firearm came inside Pharmacy-2 and demanded money. Another employee of Pharmacy-2 then surrendered approximately \$4,700 to Gunman-3. Gunman-3 also stole an iPhone 6 (the "Stolen iPhone") from Witness-3.

¹ I believe that CC-3 is one of the Co-Conspirators who participated in Robbery-1, but this connection is still being investigated.

8. I have spoken to a law enforcement officer (the "Responding Officer") who responded to the scene of Robbery-2. From my conversations with the Responding Officer and my review of related reports and documents, I have learned, in substance and in part, the following:

a. The Responding Officer reviewed video surveillance taken in the vicinity of Pharmacy-2 around the time of Robbery-2. From this video surveillance, the Responding Officer learned that the perpetrators of Robbery-2 drove to and from Robbery-2 in a white GMC Jimmy, later identified by law enforcement as the SUV.

b. With the consent of Witness-3, the Responding Officer then used the "Find My iPhone" application² to determine that the Stolen iPhone was located in the vicinity of Park Avenue and East 155th Street in the Bronx, New York.

c. The Responding Officer then determined that the closest traverse from Pharmacy-2 to the location of the Stolen iPhone was the Madison Avenue Bridge (the "Bridge") which crosses the Harlem River approximately one-half mile from Pharmacy-2.

d. The Responding Officer then used a "license plate reader search"³ to determine that only one white GMC had crossed the Bridge, going towards the Bronx, around the time of Robbery-2. More specifically, a white GMC Jimmy with license plate number GRZ8403 (the "License Plate Number"), registered to JOSE ACEVEDO, the defendant, crossed the Bridge at approximately 10:59 a.m. on or about August 17, 2015. I believe that this vehicle is the SUV.

e. The Responding Officer then issued a bulletin (the "Bulletin") to law enforcement officers in the area alerting them to look for the SUV, as identified by the License Plate Number and its other pertinent characteristics.

² The "Find My iPhone" application allows a user to use a second device to find a lost iPhone.

³ This technology allows a law enforcement agent to input a variety of automobile characteristics (i.e., make, model, color, partial license plate number) and then ascertain whether an automobile with those characteristics has recently passed through a particular toll or checkpoint.

POST-ROBBERY SURVEILLANCE AND INVESTIGATION

9. I have spoken to a law enforcement officer (the "Surveillance Officer") who is involved in this investigation and who was located in the vicinity of 830 Beck Street in the Bronx, New York (the "Surveillance Location") around the time that the Bulletin was issued. From my conversations with the Surveillance Officer, I have learned, in substance and in part, the following:

a. The Surveillance Officer saw the SUV in the vicinity of the Surveillance Location shortly after the Bulletin was issued.

b. As the Surveillance Officer and other law enforcement officers were watching the SUV, they spotted an individual later identified as JOSE ACEVEDO, the defendant, approaching the SUV. As they began to approach ACEVEDO, ACEVEDO threw Cellphone-1 and the keys to the SUV inside the SUV. ACEVEDO then locked and closed the SUV door.

c. ACEVEDO was then apprehended and taken to the police precinct.

10. Through my involvement in this investigation, including my conversations with other law enforcement officers and my review of related documents and reports, I have learned that the mother of JOSE ACEVEDO, the defendant, lives at the Surveillance Location.

11. Through my involvement in this investigation, including my conversations with other law enforcement officers and my review of related documents and reports, I have learned that, on or about August 19, 2015, a search warrant (the "Search Warrant") for the SUV was duly authorized by a judge in the New York City Criminal Court. On or about August 27, 2015, the Search Warrant was executed and law enforcement recovered, inter alia, the Stolen iPhone and Cellphone-1 from the SUV.

ROBBERY-1 AND ROBBERY-2 AFFECTED INTERSTATE COMMERCE


12. I have spoken to the owners of Pharmacy-1 and Pharmacy-2. From these conversations, I have learned, in substance and in part, that Pharmacy-1 and Pharmacy-2 routinely obtain and sell merchandise that is manufactured outside of New York State.

WHEREFORE, the deponent respectfully requests JOSE ACEVEDO, the defendant, be imprisoned or bailed, as the case may be.



ANGELO TESSITORE
Detective
New York City Police Department

Sworn to before me this
5th day of October, 2015



THE HONORABLE HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK